



12-13-04

Gp 2876

JFW

Applicant: William S. Rouverol
Art Unit: 2876
Examiner: Uyen-Chan N. Le
Serial No.: 09/895,190
Filed: July 2, 2001
For: VOTING DEVICE WITH ENHANCED FEEDBACK

December 8, 2004

Dear Ms. Le,

Please amend this case as follows:

Specification

3. As required by MPEP §608.01(b), the Abstract has been reduced to fewer than 150 words. (See p. 18 of Dec. '04 version.)

Claim Objections

4. Claims 1, 12, 17 and 22 are amended as required. (See pp. 15, 16 and 18 of the original version.)

Allowable Subject Matter

5. It is applicant's hope that the disallowance of Claims 19 and 20 will be reconsidered on the strength of arguments presented in sections 6 and 7 below.

Claim Rejections – 35 USC §103

6. Applicant appreciates the quotation from 35 USC §103(a) that states the basis for all obviousness rejections set forth in this Office Action. However he would like to draw attention to several aspects of the quotation. One is that the word "art" is singular. The prior art citations on which the Examiner relies are two entirely different arts (plural): the US Class of Patent '409 to Harris (card punch) is Class 225-93, while that of '945 to Bowen (card reader) is Class 235/61.1. As will be shown below in detail, a card reader is totally different from a card punch in both objective and structure.

The second manner in which the applicant finds 35 USC §103(a) both vague and arbitrary is in the judgment as to what is obvious and what is not. Applicant believes that it is extremely rare for anyone to be skilled in more than one art, with the few exceptions being P.T.O patent examiners. It appears to applicant that if an examiner misstates the comparisons between a punch and a reader, then that is de facto evidence that those comparisons are not obvious. Applicant hopes that the present examiner agrees.

Before discussing the specifics of claim rejection, applicant believes it will be helpful to explore the question of how hanging chads originate, since this is the particular form of operational error that has plagued the punch-card type of device from the day of its invention in 1959. The critical patent to be reviewed is U.S. Patent No. 3,007,620, to Laframboise et al. The inventors were IBM employees, and IBM called their creation the "Portapunch."

When Prof. Joseph P. Harris of the University of California at Berkeley, who had previously invented the permanent registration system for U.S. elections,